

HAROLD G. HOPPE 5049
 Pacific Guardian Center, Makai Tower
 733 Bishop Street, Suite 2300
 Honolulu, HI 96813
 Telephone: (808) 528-1903
 Facsimile: (808) 531-3860

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

JOHN R. HILLSMAN 71220
 McGuinn, Hillsman & Palefsky
 535 Pacific Avenue
 San Francisco, CA 94133
 Telephone: (415) 421-9292
 Facsimile: (415) 403-0202

APR 24 2006

at 11 o'clock and 15 min. AM
 SUE BEITIA, CLERK.

Attorneys for Dennis Claypool,
 Sheryl Claypool, Scott Claypool and Kristen Claypool

CV 04-504 HG-BMK
 #108

CV 05-31 HG-BMK
 #209

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

DENNIS CLAYPOOL, individually
 and as Guardian Ad Litem for
 KRISTEN CLAYPOOL, a minor,
 SHERYL CLAYPOOL, SCOTT
 CLAYPOOL, and KRISTEN
 CLAYPOOL,

Plaintiffs,

vs.

CAPTAIN ANDY'S SAILING, INC.,
 BLUE DOLPHIN CHARTERS, LTD.
 and BLUE DOLPHIN DIVING,
 INC.,

Defendants.

) Civil No. CV04 00570 HG- BMK #109

)
) **CLAYPOOL PLAINTIFFS'**
) **NOTICE OF MOTION AND**
) **MOTION FOR APPROVAL OF**
) **GOOD FAITH SETTLEMENT**

)
) **IN CAMERA SUBMISSION**
) **FILED UNDER SEAL**
) **PURSUANT TO L.R. 10.2(f).**

) Accompanying Documents:

1. Memorandum of Points and Authorities
2. Declarations of John R. Hillsman, Anna Lopez, Jerry Porter, Jody Jeffrey, Susan Morse; Telly Rivenbaugh, Russell Petrini)
3. Exhibits 1 through 23
4. Certificate of Compliance
5. Certificate of Service

CLAYPOOL PLAINTIFFS' NOTICE OF MOTION AND
 MOTION FOR APPROVAL OF GOOD FAITH SETTLEMENT

UNSEALED BY ORDER OF THE COURT

DATE: 4/9/06

ORIGINAL

SEALED¹
 BY ORDER OF THE COURT



5.

MATTHEW ISHAM, individually) CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)
HAYDEN ISHAM, a minor;)
ROXANNE BEST ISHAM,)
Plaintiffs,)
vs.)
BLUE DOLPHIN CHARTERS,)
LTD. and BLUE DOLPHIN)
DIVING, LTD., CAPTAIN)
ANDY'S SAILING, INC.,)
Defendants.)

IN THE MATTER OF THE) Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)
CHARTERS, LTD. AND TERRY)
DONNELLY, AS OWNERS OF)
THE VESSEL M/V BLUE)
DOLPHIN, O/N 1082212, FOR)
EXONORATION FROM AND/OR)
LIMITATION OF LIABILITY)

TO THE PARTIES HERETO AND TO THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that on a date determined to be suitable by the Court, Plaintiffs DENNIS, SHERYL, SCOTT AND KRISTEN CLAYPOOL

(hereinafter referred to as "the Claypool Plaintiffs") will move the Court for an order confirming that the Rule 68 judgment entered into is in good faith.

This motion is based on this Notice, the accompanying Memorandum of Points and Authorities, Declaration of John R. Hillsman, and upon such oral and documentary evidence as may be presented at the hearing of this matter.

Dated: April 5, 2006

LAW OFFICE OF HAROLD G. HOPPE
McGUINN, HILLSMAN & PALEFSKY
Attorneys for the CLAYPOOL Plaintiffs

By:

JOHN R. HILLSMAN

HAROLD G. HOPPE 5049
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 2300
Honolulu, HI 96813
Telephone: (808) 528-1903
Facsimile: (808) 531-3860

JOHN R. HILLSMAN 71220
McGuinn, Hillsman & Palefsky
535 Pacific Avenue
San Francisco, CA 94133
Telephone: (415) 421-9292
Facsimile: (415) 403-0202

Attorneys for Dennis Claypool,
Sheryl Claypool, Scott Claypool and Kristen Claypool

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

DENNIS CLAYPOOL, individually and as Guardian Ad Litem for KRISTEN CLAYPOOL, a minor, SHERYL CLAYPOOL, SCOTT CLAYPOOL, and KRISTEN CLAYPOOL,
Plaintiffs,
vs.
CAPTAIN ANDY'S SAILING, INC., BLUE DOLPHIN CHARTERS, LTD. and BLUE DOLPHIN DIVING, INC.,
Defendants.

) Civil No. CV04 00570 HG- BMK
)
)
)
)
)
)
)
)
)
)
)
)
)
)
)
)

MATTHEW ISHAM, individually) CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)
HAYDEN ISHAM, a minor;)
ROXANNE BEST ISHAM,)
)
Plaintiffs,)
vs.)
)
BLUE DOLPHIN CHARTERS,)
LTD. and BLUE DOLPHIN)
DIVING, LTD., CAPTAIN)
ANDY'S SAILING, INC.,)
)
Defendants.)

IN THE MATTER OF THE) Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)
CHARTERS, LTD. AND TERRY)
DONNELLY, AS OWNERS OF)
THE VESSEL M/V BLUE)
DOLPHIN, O/N 1082212, FOR)
EXONORATION FROM AND/OR)
LIMITATION OF LIABILITY)

I HEREBY CERTIFY that on the date last written below, I served a true and correct copy of the foregoing documents on the following as indicated below:



1st Class
U.S. Mail

John R. Lacy
Evelyn J. Black
Randy L.M. Baldemor
GOODSILL ANDERSON
QUINN & STIFEL
Alii Place
1099 Alakea St. Suite 1800
Honolulu, HI 96813

Blue Dolphin
Charters

1st Class
U.S. Mail

Robert Miller
Law Offices of Robert Miller
735 Bishop St., Suite 500
Honolulu, HI 96813

Blue Dolphin
Charters, Inc.

1st Class
U.S. Mail

Stephen C. Smith
Carlsmith Ball LLP
ASB Tower
1001 Bishop Street
Honolulu, HI 96813

Markel Insurance

Dated: April 5, 2006

LAW OFFICES OF HAROLD G. HOPPE
McGUINN, HILLSMAN & PALEFSKY
Attorneys for the Claypool Plaintiffs

By:


JOHN R. HILLSMAN